

VERMONT LABOR RELATIONS BOARD

UNITED AUTO WORKERS,)	
LOCAL 2322)	
)	
AND)	DOCKET NO. 23-43
)	
THE UNIVERSITY OF VERMONT)	

DECISION ON MOTION TO RECONSIDER

On February 22, 2024, the University of Vermont (“University” “Employer”) filed a Motion to Reconsider the February 20, 2024, Findings of Fact, Opinion, and Order (“Decision”) of the Vermont Labor Relations Board (“Board”). The University claims the Board failed to address its arguments that post-doctoral fellows and post-doctoral trainees (“Fellows and Trainees”) are not employees under the State Employee Labor Relations Act (“SELRA”), 3 V.S.A. §902 (5) and should be excluded from the bargaining unit. On February 23, 2023, the United Auto Workers, Local 232 (“Union”) filed an opposition to the Motion.

After reviewing the pending motion and Board Decision, we deny the Motion to Reconsider.

The Board reviewed and addressed the question of whether trainees and fellows are employees. The Board examined whether the proposed unit, including Fellows and Trainees, qualified as employees under SELRA. Applying the common meaning of the term “employee,” the Board concluded the proposed unit fit within the definition of “employee” under SELRA, because they “provide work or effort to the University in exchange for a stipend or payment.” Decision at 171. Fellows and Trainees were included in the group the Board found to be employees under SELRA.

The Board then addressed the alternative argument that even if the Board were to assert jurisdiction over the proposed unit, Trainees and Fellows should be excluded. Adopting language similar to that applied to find the aggregate bargaining unit to be employees, the Board determined that Fellows and Trainees, “provide a service, work, or effort, for which they are compensated or paid by the University and are supervised [or] monitored in performance of such efforts.” Decision at 175-76. The Board answered the question whether Fellows and Trainees are employees in the affirmative and decided not to exclude Fellows or Trainees from the bargaining unit.

For the reasons outlined above, the Motion to Reconsider filed by the University is denied.

Dated this 4th day of March 2024, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ David Boulanger

David Boulanger, Acting Chair

/s/ Robert Greemore

Robert Greemore